

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013020409

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 11, 2013, Student filed a Due Process Hearing Request (complaint), naming San Francisco Unified School District (District). On April 5, 2013, Student filed a Request to Amend the Due Process Hearing Request (amended complaint). No response was received from the District.

APPLICABLE LAW

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ All statutory citations are to title 20 United States Code unless otherwise indicated.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. The Office of Administrative Hearings will issue a scheduling order with the new dates.²

IT IS SO ORDERED.

Dated: April 17, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

² The dates on the scheduling order will supersede dates previously set pursuant to a joint request for continuance filed by the parties on April 16, 2013. The parties may file a further request to continue if the dates set following the amendment of the complaint conflict with the parties' availability.